

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 CHAR SACHSON
Deputy Attorney General
4 State Bar No. 161032
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5558
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Statement of Issues
11 Against:

Case No. 2012-24

12 **DANIEL KIM STONEKING**
13 **88 Valle Vista, Apt. 2207**
Vallejo, CA 94590

STATEMENT OF ISSUES

14 Applicant.

15
16 Complainant alleges:

17 PARTIES

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in
19 her official capacity as the Executive Officer of the Board of Registered Nursing, Department of
20 Consumer Affairs.

21 2. On or about April 12, 2010, the Board of Registered Nursing, Department of
22 Consumer Affairs received an application for a Registered Nurse license from Daniel Kim
23 Stoneking (Applicant). On or about April 12, 2010, Daniel Kim Stoneking certified under
24 penalty of perjury to the truthfulness of all statements, answers, and representations in the
25 application. The Board denied the application on December 17, 2010.

26 JURISDICTION

27 3. This Statement of Issues is brought before the Board of Registered Nursing (Board),
28 Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 2736 of the Code provides, in pertinent part, that the Board may deny a
3 license when it finds that the applicant has committed any acts constituting grounds for denial of
4 licensure under section 480 of that code.

5 5. Section 2761 of the Code states:

6 "The board may take disciplinary action against a certified or licensed nurse or deny an
7 application for a certificate or license for any of the following:

8 "(a) Unprofessional conduct, . . . "

9 6. Section 2762 of the Code states:

10 "In addition to other acts constituting unprofessional conduct within the meaning of this
11 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
12 chapter to do any of the following:

13 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
14 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
15 administer to another, any controlled substance as defined in Division 10 (commencing with
16 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
17 defined in Section 4022.

18 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
19 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
20 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
21 himself or herself, any other person, or the public or to the extent that such use impairs his or her
22 ability to conduct with safety to the public the practice authorized by his or her license.

23 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
24 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
25 or the possession of, or falsification of a record pertaining to, the substances described in
26 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
27 thereof.

"(d) Be committed or confined by a court of competent jurisdiction for intemperate use of or addiction to the use of any of the substances described in subdivisions (a) and (b) of this section, in which event the court order of commitment or confinement is prima facie evidence of such commitment or confinement.

"(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section."

7. Section 480 of the Business and Professions Code provides, in pertinent part, that a board may deny a license if the applicant has been convicted of a crime substantially related to the qualifications, functions or duties of the business or profession for which application is made, has committed any act involving dishonesty, fraud or deceit, has committed any act which if done by a licensee would be grounds for suspension or revocation of a license, or has knowingly made a false statement of fact required to be revealed in the application.

DRUGS

8. Buprenorphine is a Schedule V controlled substance as designated by Health and Safety Code section 11058(d) and is a dangerous drug per Code section 4022. It is used for opiate addiction.

9. Naloxone, also called Suboxone, is used to counter the effects of opiate overdose. It is a dangerous drug per Code section 4022.

10. Lidocaine is a local anesthetic. It is a dangerous drug per Code section 4022.

FIRST CAUSE FOR DENIAL OF APPLICATION

(USE OF DRUGS IN A MANNER DANGEROUS TO SELF OR OTHERS)

11. Applicant's application is subject to denial under sections 2761(a), 2762(b) and/or 480 in that he used drugs in a manner dangerous to himself or others. The circumstances are as follows:

a. On or about June 29, 2010, Applicant was driving a silver Jeep Liberty southbound on Highway 680 in Concord, California. Applicant swerved in and out of his lane, and rear-ended a truck and trailer at approximately 45 or 50 miles per hour, ultimately causing a

1 four car accident. Applicant's speech was slurred; he appeared dazed and confused, had
2 difficulty staying awake, and failed field sobriety tests. Applicant told the arresting officer that he
3 takes Buprenorphine and Suboxone daily for opiate addiction. Applicant was in possession of a
4 bottle of Lidocaine. He stated that he picked it up while at work and forgot to put it away.

5 SECOND CAUSE FOR DENIAL OF APPLICATION

6 (SHOPLIFTING)

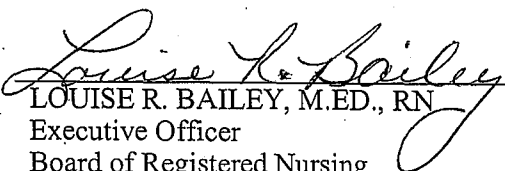
7 12. Applicant's application is subject to denial under sections 2761(a) and/or 480 in that
8 on or about March 27, 2011, he stole approximately \$700.00 in merchandise from Nordstrom in
9 Walnut Creek.

10 PRAYER

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
12 and that following the hearing, the Board of Registered Nursing issue a decision:

- 13 1. Denying the application of Daniel Kim Stoneking for a Registered Nurse license.
14 2. Taking such other and further action as deemed necessary and proper.

15 DATED: 7-13-11

16 
17 LOUISE R. BAILEY, M.ED., RN
18 Executive Officer
19 Board of Registered Nursing
20 Department of Consumer Affairs
21 State of California
22 Complainant

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